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EXAMINER

FERNANDEZ RIVAS, OMAR T

ART UNIT

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2129

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,271

Applicant(s)

HURST-HILLER ET AL.

Examiner

OMAR F. FERNANDEZ RIVAS

Art Unit

2129

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10-17, 25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-17, 25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to an amendment filed by the Applicant entered on December 23, 2008.
2. The Office Actions of September 23, 2008, April 30, 2008, August 3, 2007, December 1, 2006 and June 2, 2006 are incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1, 10 and 25 have been amended. Claims 7, 9, 18-24 and 26 have been previously cancelled. Claims 1-6, 8, 10-17, 25 and 27-29 are pending on this application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6, 8, 10-17, 25 and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are two separate requirements set forth in this paragraph:

- (A) the claims must set forth the subject matter that applicants regard as their invention; and

(B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

The first requirement is a subjective one because it is dependent on what the applicants for a patent regard as their invention. The second requirement is an objective one because it is not dependent on the views of applicant or any particular individual, but is evaluated in the context of whether the claim is definite — i.e., whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art.

Claims are not just words listing out invention elements...they are limitations that define the fundamental claim scope. Although an essential purpose of the examination process is to determine whether or not the claims define an invention that is both novel and nonobvious over the prior art, another essential purpose of patent examination is to determine whether or not the claims are precise, clear, correct, and unambiguous. The uncertainties of claim scope should be removed, as much as possible, during the examination process.

Claim 1 recites "isolating a set of said performed queries which are unsatisfactory and which share a common characteristic in order to identify problems which appear only sporadically over a large number of users or queries" However, the claim is directed to receiving a user's query. There is nothing in the claim as to receiving data from multiple users and using this data to evaluate the current user's query. It is therefore not clear how problems can be identified over multiple users or queries. Also, the term "sporadically" in claim 1 is a relative term which renders the claim indefinite.

The term "sporadically" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Sporadically could mean 1 in 10, 1 in a 100, 1 in a 1000, etc. Because of these deficiencies, the intent of these limitations in the claim is not clear and a person of ordinary skill in the arts would not be able to determine the metes and bounds of the invention.

Claims 2-6, 8 and 27-29 further limit claim 1 but fail to cure the deficiencies set forth above and are rejected on the same basis.

Claims 10-17 recite limitations similar to those of claims 1-6, 8 and 27-29 and are rejected on the same basis.

Claim 25 recites limitations similar to those of claim 1 and is rejected on the same basis.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6, 8, 10-17, 25 and 27-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer system must set forth a practical application of judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application.

For a claimed invention to be statutory the claimed invention must produce a useful, concrete, and tangible result. As the Supreme Court has made clear, "[a]n idea of itself is not patentable," *Rubber-Tip Pencil Co. v. Howard*, 20 U.S. (1 Wall.) 498, 507 (1874); taking several abstract ideas and manipulating them together adds nothing to the basic equation. In re Warmerdam, 31 USPQ2d 1754 (Fed. Cir. 1994).

For a claimed invention to be statutory under 35 U.S.C. 101, the claims must provide a tangible result, and there must be a practical application, by either: 1) transforming (physical thing) or 2) by having the FINAL RESULT (not the steps) achieve or produce a useful (specific, substantial, AND credible), concrete (substantially repeatable/non-unpredictable), AND tangible (real world/non-abstract) result.

A claim that recites a computer that solely calculates a mathematical formula is not statutory.

In the present case, claim 1 describes a method for obtaining user satisfaction data regarding the performance of a search mechanism in response to user queries. The user satisfaction data is used to monitor the performance of a search mechanism. However, the claim fails to provide a useful result because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the described practical utility (utilities) is (are) directed to using predicted user satisfaction data to improve a search mechanism, the claimed subject matter relates ONLY to generating prediction data to monitor a search mechanism without any specific purpose or use. The claim is directed simply generation of data for monitoring a search mechanism, which is simply generating data

without any specific purpose or use. Generating data is not a practical and tangible result since data alone has no physical structure and does not itself perform any useful, concrete and tangible result.

The claim also fails to produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for generating prediction data to monitor a search mechanism. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

However, the portions of the opinions in *State Street* and *AT&T* relying solely on a "useful, concrete and tangible" result analysis *should no longer be relied on*. Ex parte *Bilski*, Appeal No. 2007-1130 (Fed. Cir. October 30, 2008).

The court has said that there's a two-pronged test to determine whether a software or business method process patent is valid: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. In other words, pure software or business method patents that are neither tied to a specific machine nor change something into a different state are not patentable.

Claims 2-6, 8 and 27-29 further limit claim 1 but fail to cure the deficiencies set forth above and are rejected on the same basis.

Claims 10-17 recite limitations similar to those of claims 1-6, 8 and 27-29 and are rejected on the same basis.

Claim 25 recites limitations similar to those of claim 1 and is rejected on the same basis.

Response to Applicant's arguments

7. The Applicant's arguments regarding the rejection under 35 USC 101 have been fully considered but are not persuasive.

In reference to Applicant's arguments:

Claims 1-8 and 27-29 stand rejected under 35 U.S.C. § 101 as non-statutory subject matter. Claim 1 was amended to address the rejection. The claimed invention improves the search quality for a person searching for information which is accessed through a computer. (Specification at [0043]). Searches are displayed on a computer screen. It should be noted that computer terminal includes non-wired devices capable of connecting to the internet which allow users access and multifunctional devices that allow users to connect to the internet. Thus, Applicants respectfully submit that independent claim 1 is now allowable subject matter under 35 U.S.C. § 101.

Examiner's response:

While the invention has been limited to be practiced on a computer, the claim still does not provide for a practical application for the claimed invention. The manipulation of abstract data by a computer to produce more abstract data without any use or purpose is not a practical and tangible result. The statutory basis for 35 USC 101 states: "Whoever invents or discovers any **new and useful** process, machine, manufacture, or composition of matter, or any **new and useful** improvement thereof,

may obtain a patent therefor, subject to the conditions and requirements of this title". Claims for inventions where the FINAL RESULT (not the steps) fail to achieve or produce a useful (specific, substantial, AND credible), concrete (substantially repeatable/non-unpredictable), AND tangible (real world/non-abstract) result do not satisfy the requirements of 35 USC 101.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 10-17, 25 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Biebesheimer et al. (US Patent Application Publication #2002/0152190, referred to as **Biebesheimer**).

Claims 1, 10 and 25

Biebesheimer anticipates a method for obtaining predicted user satisfaction data (not further defined) regarding the performance of a search mechanism which provides search results in response to user queries (**Biebesheimer**: abstract, L1-26; page 2, pars 16-20; page 3, par 30; page 5, pars 42-44; Examiner's Note (EN): item 14 applies. Obtaining a response set based on relevancy to the user's query is obtaining predicted user satisfaction data. Moreover, the indexing function determines the value of the search results (the response set) for a user in their context. Also note the weighting

function (user satisfaction) of the Adaptive Indexing), comprising: storing interaction of the user with the search results obtained in response to a query (**Biebesheimer**: pg. 2, pars 13-20; pg. 3, par 32; pg. 4, par 37; pgs. 4-5, pars 41-44; pg. 6, pars 50-51; pg. 9, par 73; pg. 12, claims 5, 7; pg. 13, claim 24; Figs. 1 and 6; EN: item 14 applies. The user's interaction records include resources chosen or rejected by the user from the list displayed); determining **at least one** predictive pattern model for predicting user satisfaction with the search results from the stored interaction of the user with the search results (**Biebesheimer**: pg. 2, pars 13-20; pg. 3, par 32; pg. 4, par 37; pgs. 4-5, pars 41-45; pg. 6, pars 50-51; pg. 9, par 73; pg. 12, claims 5, 7; pg. 13, claim 24; Figs. 1 and 6; EN: item 14 applies. The resource indexing functions are predictive pattern models. Note that each function predicts a response set that the user eventually selected (user satisfaction)); storing the **at least one** predictive pattern model (**Biebesheimer**: pg. 2, pars 13-20; pg. 3, par 32; pg. 4, pars 37-38; pgs. 4-5, pars 41-45; pg. 6, pars 50-51; pg. 9, par 73; Figs. 1 and 6) and applying said predictive pattern model to context-based user behavior data to determine a satisfaction value of the user with the query that indicates the satisfaction of the user with the search results, wherein the context-based user behavior data comprises user feedback data and context data associated with the user feedback data, the context based user behavior data acquired after receipt by a user of the search results (**Biebesheimer**: pg. 2, pars 13-20; pg. 3, par 32; pg. 4, pars 37-39; pgs. 4-5, pars 41-45; pg. 6, pars 50-51; pg. 9, par 73; Figs. 1 and 6; EN: item 14 applies. Note that the adaptive indexing function uses an evaluation metric (such as the coverage of the resources eventually selected by a user given a

query/context pair) from the user's feedback to optimize the indexing functions to maximize the number of successful retrievals); and generating predicted **user satisfaction data** based on the application of the predictive pattern to the context-based user behavior data, the predicted user satisfaction data is **an indication** of satisfaction that a user experiences in evaluating search results, **wherein** the predicted user satisfaction data is used to monitor the performance of a search mechanism (**Biebesheimer**: abstract; page 1, par 2; page 2, pars 1-20; page 3, pars 30-32; pages 4 and 5 pars 37-45; pg. 6, pars 50-51; pg. 9, par 73; Figs. 1 and 6; EN: item 14 applies. The resource set is presented to the user based on the degree of fit (user satisfaction data) with the user's most important context variables as indicated by the prior use of the system as well as by context choices of the current query. The adaptive indexing functions will be optimized based on an evaluation metric applied to the user interaction feedback to maximize the number of successful retrievals (monitoring the performance of the search mechanism)); **wherein** said application of said predictive pattern model further comprises isolating a set of said performed queries which are unsatisfactory and which share a common characteristic in order to identify problems which appear only sporadically over a large number of users or queries (**Biebesheimer**: page 2, par 19; pg. 3, pars 30-32; pages 4-5, pars 41-44; page 7, par 59-60; page 8, par 70; page 9, pars 72-73; EN: item 14 applies. The adaptive indexing functions will be adapted based on user's feedback in the user interaction records, which includes resources rejected by the user. Moreover, the exclusionary filters isolate unsatisfactory search

queries. It is also noted that “characteristic” has not been further defined, therefore any characteristic such as being rejected by the user reads on this characteristic).

EN: As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The features described after the “wherein” clauses highlighted above have not been embodied in the claim such that functional discrimination can be associated with the features following the clause. Simply stated, in the instant claims, these features are merely a written description. It is also noted that statements of intended use or field of use, do not serve to differentiate the claimed invention from the prior art.

Claims 2 and 11

Biebesheimer anticipates storing at least one predictive pattern model comprises utilizing data mining techniques (not further defined) to determine at least one predictive pattern for user satisfaction (**Biebesheimer**: page 5, par 43-44; EN: supervised learning is a data mining technique).

Claims 3 and 12

Biebesheimer anticipates said context-based user behavior data comprises explicit user feedback data (**Biebesheimer**: pages 4 and 5, par 41; page 6, pars 49-50;

page 7, par 64, L1-12; page 8, pars 66-67; EN: obtaining data from the user defining the query is explicit user feedback as defined in page 2, par 17 of the present application).

Claims 4 and 13

Biebesheimer anticipates said context-based user behavior data comprises implicit user feedback data (**Biebesheimer**: page 2, par 19, L6-22; page 5, par 41, L7-25; page 6, par 50; EN: user interactions is user behavior data; the selections made by the user are implicit feedback as defined in page 2, par 17 of the present application).

Claims 5 and 14

Biebesheimer anticipates said context-based user behavior data is selected from the group comprising: user navigation to a new page using a hyperlink; user navigation to a new page using a history list; user navigation to a new page using an address bar; user navigation to a new page using a favorites list; user scrolling behavior; user document printing behavior; user adding a document to said favorites list; user switching focus to a different application; user switching focus back from a different application; user closing a window; user dwell time behavior; user initiation of a new query; sequences of user behaviors; and user inactivity without switching focus from a window relating to said performed query (**Biebesheimer**: page 3, pars 30-32; page 5, par 41, L7-17; pg. 6, pars 49-50; pg. 9, pars. 72-73; EN: redefining a query is initiating a new query, user interactions is a sequence of user behavior).

Claims 6 and 15

Biebesheimer anticipates said application of said predictive pattern model yields predicted user satisfaction data regarding said search mechanism (**Biebesheimer**: page 2, par 19; page 4, par 37; EN: the Adaptive Indexing algorithm applies the predictive pattern. Maximizing the number of successful retrievals by improving the resource indexing functions is yielding predicted user satisfaction data regarding the search mechanism. Also note that the indexing function retrieves the response set most relevant to the user), and where said method further comprises: displaying said predicted user satisfaction data (**Biebesheimer**: page 6, par 49; page 9, par 73; EN: the ordered response set is predicted user satisfaction data).

Claims 8 and 17

Biebesheimer anticipates said context-based user behavior data comprises a testing set of context-based user behavior data (**Biebesheimer**: page 3, par 33, L1-14; EN: item 14 applies. The minimal user context vector is a testing set of context based user behavior).

Claim 27

Biebesheimer anticipates isolating problematic queries based on the predicted user satisfaction data (**Biebesheimer**: page 2, par 19, L6-22; page 5, pars 43.and 44).

Claim 28

Biebesheimer anticipates generating a summary of measured satisfaction based on the predicted user satisfaction data (**Biebesheimer**: page 5, par 45, L9-23; pg. 6, pars 50-51; pg. 9, par 73; EN: generating a response set based on the scoring or relevance (satisfaction data) to the user's query).

Claim 29

Biebesheimer anticipates monitoring a search mechanism responsive to the predicted user satisfaction data (**Biebesheimer**: page 2, par 19; page 4, par 37; page 5, pars 42-44; pg. 6, pars 50-51; pg. 9, par 73; Fig. 1; EN: item 14 applies. If the system is learning, then some monitoring is taking place).

Response to Applicant's arguments

9. The Applicant's arguments regarding the rejection under 35 USC 102 have been fully considered but are not persuasive.

In reference to Applicant's arguments:

As amended, claims 1, 10, and 25 recite a system-wide examination of queries with specific characteristics that suffer from low user satisfaction in order to improve the user's satisfaction with the search mechanism. One feature of the predictive pattern application is using the query data to isolate problematic queries and search terms. The searches can be grouped by a number of context characteristics (e.g. all queries from a specific country, all queries in a specific language, all queries for a specific term) and examined for lower user satisfaction in comparison to the average query satisfaction.

This data can be used by search engine developers to fix problematic queries or search terms for all users and to verify that the fix was successful. By using data from multiple users to address problematic queries user satisfaction for anyone using the stated query is increased.

Examiner's response:

The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The features that the Applicant argues are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. There is nothing in the claim as to using query data to isolate problematic queries and search terms. There is also nothing about grouping searches, comparing to average query satisfaction, fixing problematic queries or search terms or using data from multiple users. The claim is directed to receiving a query from a user, but there is nothing that suggests that data from other users is used by the invention to do anything.

In reference to Applicant's arguments:

While Biebesheimer teaches a method for improving a user's search experience through the analysis of that individual user's search history, Biebesheimer does not teach the collection and analysis of search results across a group of users in order to isolate problematic queries based on the low user satisfaction. Biebesheimer's learning

algorithm processes data from a user's prior recorded searches to optimize that user's future searches. (See Biebesheimer - paragraph [0070]). Since the data used by the learning algorithm is isolated to the single user, any improvement by Biebesheimer's system precision is isolated to that individual user. (Id. at [0016]). Biebesheimer's invention requires repeated interaction with an individual user to produce desired results. (Id. at [0020]). Repeated interaction with Biebesheimer's system is required because the learning algorithm is directed at improving a user's search experience through their prior search history without using data collected from other user searches.

Examiner's response:

The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The features that the Applicant argues are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. There is nothing in the claims as to the collection and analysis of search results across a group of users.

Examination Considerations

10. Examiner has cited particular columns and line numbers (or paragraphs) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific imitations within the individual claim, other passages and figures may apply as

well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

11. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 105455, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

12. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

13. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

14. Examiner's Opinion: items 11-13 apply. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

15. Claims 1-6, 8, 10-17, 25 and 27-29 are rejected.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

17. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 7:00 a.m. and 4:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandezrivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
United States Department of Commerce
Patent & Trademark Office

/Omar F. Fernández Rivas/
Examiner, Art Unit 2129
Thursday, February 12, 2009.
/David R Vincent/

Supervisory Patent Examiner, Art Unit 2129